

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Civil Action No.: 4:12-cv-02101

Lindsey Davis,

Plaintiff/Movant

Enhanced Recovery Corporation,

Defendant.

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**COMPLAINT**

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For this Complaint, the Plaintiff, Lindsey Davis, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. This Court has original jurisdiction over Plaintiff's TCPA claims. Mims v. Arrow Fin. Serv., LLC, 132 S.Ct. 740 (2012).
3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business here and a substantial portion of the acts giving rise to this action occurred here.

### **PARTIES**

1. The Plaintiff, Lindsey Davis (“Plaintiff”), is an adult individual residing in Houston, Texas.

2. The Defendant, Enhanced Recovery Corporation (“Enhanced”), is a Florida business entity with an address of 8014 Bayberry Road, Jacksonville, Florida 32256.

### **FACTS**

3. Within the last year, the Defendant contacted the Plaintiff in an attempt to collect the Debt.

4. The Defendant has placed calls up to three times a day using an automated telephone dialer system with an artificial or prerecorded voice (hereafter “Robocalls”) to Plaintiff’s cellular phone.

5. Plaintiff has no previous relationship with the Defendant and never gave her consent to be called at her cellular telephone.

6. Furthermore, the Defendant’s Robocalls state that the Defendant is looking for someone named “Margarita” to collect a Debt.

7. Plaintiff has on numerous occasions stayed on the phone call in order to be transferred to a real person and notified the Defendant that she was not Margarita and to stop calling her.

8. Plaintiff has continuously received calls despite telling the Defendant she was not who the Defendant was looking for.

**A. Plaintiff Suffered Actual Damages**

9. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant's unlawful conduct.

**COUNT I**  
**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –**  
**47 U.S.C. § 227, et seq.**

10. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

12. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

13. The Plaintiff is entitled to damages as a result of the Defendant's violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendant:

1. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Attorney's costs and fees; and
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: July 12, 2012

Respectfully submitted,

By: /s/ Jody B. Burton

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